REMARKS

Claims 2-9 and 31-32 have been cancelled herein. Moreover, the groups R^9, R^{10}, R^{13}, R^{14}, R^{15}, R^{16}, R^{17}, R^{18}, R^{19}, R^{21}, R^{22}, R^{23}, R^{24}, R^{27}, R^{28}, R^{29}, R^{30}, R^{31}, R^{32}, R^{35}, R^{36}, R^{38}, R^{39}, R^{40}, R^{41}, R^{42}, R^{43}, R^{44}, R^{45}, R^{46}, R^{47}, R^{48}, R^{49}, R^{51}, R^{52}, R^{53}, R^{54} in claim 40 have been deleted as drawn to non-elected subject matter. New claim 46 has been added. Support for this amendment may be found in the listing of the particularly preferred residues for group D appearing on pages 59-60 of the PCT Application, to the extent that they are aromatic (6 C atoms with 5 substituents) but not heterocyclic, namely Phe, Phg and hPhe; Tyr; 2-Nal; 1-Nal; 4Cl-Phe; 3Cl-Phe; 2-Cl-Phe; 3,4Cl_2-Phe; 4F-Phe; 3F-Phe; 2F-Phe; Y(Bzl); Bip; and Bpa. Applicants reserve the right to pursue the cancelled subject matter, including all non-elected subject matter, in one or more continuation and/or divisional applications.

In the Office Communication, the Examiner required restriction under 35 U.S.C. §121 between one of the groups as detailed in the Office communication, which the Examiner has identified as distinct inventions.

Applicants provisionally elect to prosecute Group 3, with traverse, which corresponds to claims 1-35 in part, drawn to compounds/compositions that include formulae a1 or a2 and include a five-membered ring with nitrogen as in A5-A11, A79, and A82-A83.

For whichever group is elected, the Examiner has further required an election of a specific compound such that all variable groups are uniquely defined. Applicants elect as the species SEQ ID NO:5, which is set forth in Example 5 of Table 1, with traverse. Claim 22 reads on the elected species.

Upon the indication of allowable subject matter, rejoinder and allowance of claims 36-46 is respectfully requested.

The Examiner has stated that the contribution over the prior art should be considered with respect to novelty and inventive step. The Examiner first cites the patent application with the publication number WO 02/070547 (**D1**) against the instant invention. As observed by the Examiner, D1 does not contain any explicit reference to the possibility of at least one of the amino acid residues of the chains contained in the compounds disclosed therein being of the type of N-substituted glycine residues. Quite to the contrary, it is this very feature which clearly distinguishes the compounds of the instant invention from those disclosed in D1. However, other features distinguish the compounds of the instant invention from those in D1 as well, namely the residues for positions P3 and P4 cannot be of type D, whereas the residue for position P5 can be of type F, the residue for position P6 can be of type D, the residue for position P7 can be of type C and the residue for position P11 can be of type C.

The Examiner then cites three references which relate to peptoids. In these peptoids, each glycine residue is N-substituted, and, furthermore, in the study of Miller et al., each amino acid residue is N-substituted. It is therefore not surprising that these peptoids are stable against protease degradation because all the amino acid residues are N-substituted. Overall, the prior art teach that stability against protease degradation of linear peptides increases when **all N-atoms of the peptide bonds** are substituted. By contrast, the instant invention shows that the presence of **one or a few specific** N-substituted glycine residues, whose substituents are only linear with functional groups, increases stability against protease degradation of cyclic peptides. Moreover, Goodson et al. teach that when a substituent, which has **already** antimicrobial activity, is coupled to a linear trimer or dimer peptide, resulting in a peptoid where **all** the glycine residues are N-substituted, that peptoid shows enhanced antimicrobial activity. In sharp contrast to Goodson's substituent, the substituents of the instant invention are linear, non-aromatic, are not bulky and do not have *a priori* any antimicrobial activity. Therefore, a person skilled in the art would not have the slightest motivation to couple the substituents of the instant invention with **one or a few specific** glycine residues to enhance antimicrobial activity of cyclic peptides.

Therefore, the technical features of the instant invention are a contribution over the prior art.

The claims which have been now restricted to Group 3 are supported by the examples set forth in Table 1, and have the same special technical features. Therefore, they relate to a single general inventive concept.

In case the Examiner does not accept to restrict the claims to the Group 3, Applicants wish to restrict the claims to the template as ^{D}Pro-^{L}Pro or ^{L}Pro-^{D}Pro instead of only restricting the claims to the elected species.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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